

REMARKS

Claims 1-8, and 13 are pending in this application. Previously withdrawn Claim 13 has been rejoined. As such, all claims are presently pending.

Claims 1-8 have been amended to recite “or a salt thereof” instead of “or a salt, a hydrate, or a hydrate of a salt thereof.” Support for this amendment can be found throughout the specification, in particular, in the examples and in the claims as originally filed. No new matter has been added by this amendment.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-8 and 13 are rejected under 35 U.S.C. 112, First Paragraph, because the specification, while being enabling making the recited compounds and its salts, does not allegedly provide enablement for for making hydrates of the claimed compounds or hydrates of their salts. While Applicants strongly disagree with the Examiner’s allegation, and solely for the purpose of advancing prosecution, claims 1-8 have been amended to recite “or a salt thereof” instead of “or a salt, a hydrate, or a hydrate of a salt thereof.” No new matter has been added by this amendment.

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 112, Second Paragraph be withdrawn.

CONCLUSION

In view of the remarks made herein, Applicant submits that the application is in condition for allowance, and respectfully request favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. If a telephone conference with Applicant's representative would be helpful in expediting prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number indicated below.

Applicants authorize the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105, under Order No. 81895(303989).

Dated: March 11, 2010

Respectfully submitted,

Electronic signature: /Nicholas J. DiCeglie, Jr./
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